## REMARKS

As an initial matter, the undersigned would like to thank Examiner Hoye for the courtesy of the telephone conference call held on July 9, 2004. Accompanying this paper is a paper entitled Interview Summary under 37 C.F.R. § 1.133, which summarizes the substance of the telephone conference call.

The applicants have carefully considered the Office action dated April 9, 2004 and the references it cites. By way of this amendment, claims 1, 11, and 16 have been amended. Claims 1-23 are pending at issue, with claims 1, 11, and 16 being independent. As explained below, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

In the Office action dated April 9, 2004, claims 1-23 were rejected as unpatentable over one or more of Hawkins et al. (U.S. Patent No. 6,005,561), Wood et al. (U.S. Patent Application Publication No. US 2002/0054752), Walters et al. (U.S. Patent No. 5,710,970), Gudesen (U.S. Patent No. 5,761,607), and Tsuria et al. (U.S. Patent No. 6,424,947). The applicants respectfully traverse each of the rejections.

The applicants respectfully submit that independent claims 1, 11, and 16 are patentable over the cited references. Each of the independent claims recites a method that uses cache program data comprising broadcast programming of one or more television programs. None of the cited references, whether taken alone or in combination, teaches or suggests such a method.

While Hawkins et al. generally discloses an interactive information delivery system that provides program guide information, there is no teaching or suggestion of using cache program data comprising broadcast programming of one or more television programs. Instead, the system of Hawkins et al. includes a cache memory to simply store programming guide information such as, for example, listing of programming available. Thus, the Hawkins

et al. fails to teach or suggest the use of cache program data comprising broadcast programming of one or more television programs. Therefore, Hawkins et al. does not teach or suggest the methods recited in independent claims 1, 11, and 16.

None of the remaining references can overcome the deficiencies of Hawkins et al. Because none of the cited references discloses or suggests the use of cache program data comprising broadcast programming of one or more television programs, it follows that no combination of these references renders the pending claims obvious. Accordingly, the obviousness rejections based thereon should be withdrawn.

Furthermore, there is no motivation to modify the system disclosed in Hawkins et al. or to combine such a system with Wood et al. Specifically, Wood et al. is focused on selecting shows for recording based on user specified-criteria. As such, to replace the user-specified system described in the Wood et al. invention with a central or head end-specified system (e.g., a broadcaster) to designate a television program to cache would destroy the invention of Wood et al. (see Wood et al.'s abstract and paragraphs [0037] and [0059] for further evidence that Wood et al. believed their invention to require subscriber's prior request for storage of program data). The law is quite clear that, "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention, then the teachings of the references are not sufficient to render the claims prima facie obvious." MPEP § 2143.01, citing, In re Ratti, 270 F.2d 810 (C.C.P.A. 1959) (emphasis added). Because the examiner's proposed combination of Hawkins et al. and Wood et al. unmistakably changes the principle of operation the Wood et al. invention, the proposed modification of Wood et al. is improper as a matter of law and cannot render independent claims 1 and 16 obvious.

As explained above, none of the cited references nor their combination, even if there were motivation for such a combination, teaches or suggests the claimed subject matter

obvious. Therefore, each of the independent claims and all claims depending therefrom must be allowed.

For these reasons, it is respectfully submitted that the claims are in condition for allowance. If, for any reason, the examiner is unable to allow the application in the next Official action, the examiner is encouraged to telephone the undersigned attorney at the telephone number listed below to discuss this matter.

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17 to Deposit Account No. 50-2455.

Respectfully submitted,

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